

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

	Master File No. 12-MD-02311
IN RE: AUTOMOTIVE PARTS	:
ANTITRUST LITIGATION	:
	:
PRODUCTS:	:
	:
WIRE HARNESS SYSTEMS	:
	:
THIS DOCUMENT RELATES TO:	:
	:
ALL ACTIONS	:
	:

Automobile Dealers Plaintiffs' Response to Interested Third Party/Plaintiff McGuire Bearing Company's Opposition to Wire Harness Litigation Plaintiffs' Case Management Order No. 3

Introduction

Interim Lead Counsel for Automobile Dealer Plaintiffs (“Dealers”) respectfully submit this memorandum in response to the Court’s order dated July 16, 2012, (Doc. 244) granting Interested Third-Party/Plaintiff McGuire Bearing Company’s Motion (“McGuire Motion”) for Leave to File an Opposition to Wire Harness Litigation Plaintiffs’ Motion for Case Management Order No. 3. (Doc. 184). For the reasons stated herein, the Dealers support the Court’s entry of Proposed Case Management Order No. 3 (“CMO No. 3”), filed on July 29, 2012, as Exhibit 2 to the Joint Memorandum of Plaintiffs and Defendants Regarding Submission of Proposed Orders Reflecting June 15, 2012 Status Conference Rulings. (Doc. 180).

The entry of proposed CMO No. 3 regarding leadership in MDL No. 2311, In re Automotive Parts Antitrust Litigation, is appropriate and in accordance with this Court’s rulings

on the record at the June 15, 2012 hearing in MDL No. 2311. Those rulings were based upon and consistent with the structure that the Judicial Panel on Multidistrict Litigation (the “Panel”) and this Court have established for the just, speedy and inexpensive resolution of the cases in MDL No. 2311.

Argument

The main reason for McGuire’s opposition to the entry of CMO No. 3 is that counsel for the direct purchaser plaintiffs in McGuire wish to be considered for interim lead counsel of direct purchaser plaintiffs in cases involving bearings. The McGuire Motion does not mount any specific challenges to the appointment of interim lead counsel for the Dealer plaintiffs, who have filed a complaint on behalf of clients who are indirect purchasers of bearings. *Martens Cars of Washington, Inc. et al. v. JTEKT Corporation et al.*, Case No. 2:12-cv-12614-MOB-MKM (E.D. Mich.).

To the extent that the McGuire Motion suggests that the interim lead counsel structure appointed by the Court should not be used in bearings litigation, the Dealers disagree with the Motion, support the continuation of the current structure, and support the entry of CMO No. 3. The three-group leadership structure of this litigation, which the Court created by three separate orders in March 2012 (Docs. 60, 64, 65), has functioned efficiently and cooperatively to-date.

The three leadership groups have developed a solid working relationship that has advanced this complex litigation. The Dealers have worked collaboratively with the interim lead counsel for the Direct Purchasers and End-Payors, and the Dealers believe that Direct Purchaser counsel and End-Payor counsel have, and will continue to, contribute positively toward the common goal of moving this and related litigation toward an efficient and just resolution.

Including the bearings cases in MDL No. 2311 is consistent with the approach taken by the JPML and this Court. The JPML declined to create separate MDLs for automotive parts beyond automotive wire harness products (*In re Instrument Panel Clusters Antitrust Litigation*, *In re Heating Control Panels Antitrust Litigation*, and *In re Fuel Senders Antitrust Litigation*), and instead transferred these additional automotive product cases to this Court for coordinated or consolidated proceedings within MDL No. 2311. The Dealers believe that the most efficient way to conduct the bearings litigation is to handle it as part of MDL No. 2311, with the same interim leadership structure that has already been working cooperatively to prosecute these claims, is familiar with this MDL, in which it has been taking part since February, and is knowledgeable about the various issues involved in this MDL, such as service of process on foreign defendants. As the Court stated at its last status conference “I think it is very efficient to have the same attorneys handle everything,” and additional lead counsel “is just going to be too much.” Hearing Transcript at 27, 33. In order to capitalize on the time and effort the appointed lead counsel (who were appointed after an evaluation of the 23(g) factors) have put into this action, the most practical approach is to maintain the Automotive Wire Harness Systems leadership structure for the Automotive Parts Antitrust Litigation.

Conclusion

For the foregoing reasons, the Dealers respectfully support the entry of proposed CMO No. 3.

Dated this 27th day of July, 2012.

**Mantese Honigman Rossman
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CERTIFICATE OF SERVICE

I, Gerard V. Mantese, hereby certify that this document was electronically filed and served using the Court's ECF system on July 27, 2012.

/s/Gerard V. Mantese
Gerard V. Mantese